

# Application for Dimensional Variance

Municipality of Anchorage  
Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first) Brogan, Casey and Kirsten		Name (last name first) Hurst, Jeremy	
Mailing Address 2937 Yale Drive		Mailing Address PO Box 738	
Anchorage, AK 99508		Girdwood, AK 99587	
Contact Phone – Day 907-952-5513	Evening 907-952-5513	Contact Phone – Day 907-891-6111	Evening 907-891-6111
E-mail cobrogan@gmail.com		E-mail jeremy@49thstarsurveying.com	

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax # (000-000-00-000): 07602230000		
Site Street Address: 241 Higher Terrace, Girdwood		
Current legal description: (use additional sheet if necessary) Lot 17, Block 21, Alyeska #3		
Zoning: GR2	Acreage: 0.34	Grid #: SE4916

PETITIONING FOR
Two variances to MOA Building Setbacks for one existing structure that is located on the property. One variance is for the 25-foot steam setback and the other for the 20-foot front setback (see Variance Narrative).

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I am petitioning for variance in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I understand that the burden of evidence to show compliance with the variance standards rests with me, the applicant. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Zoning Board of Examiners and Appeals for administrative reasons.

Signature ☐ Owner ☒ Representative (Representatives must provide written proof of authorization) Date 7/16/24

Jeremy Hurst  
Print Name

Accepted by: Anita Gupta	Poster & Affidavit: 151	Fee: \$710.00	Case Number: 2024-0091	Meeting Date: ZBEA: 10/10/2024
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**CODE CITATIONS**AMC 21. ~~06.030.C.1.b~~ **09.060 TABLE 21.09-5 P.H. 8/20/24**AMC 21. ~~07.020.9.b.ii~~ **07.020.B.9.b.ii****RECENT REGULATORY INFORMATION**

(Events that have occurred in last 5 years for all or portion of site)

- ☐ Rezoning - Case Number:
- ☐ Preliminary Plat ☐ Final Plat - Case Number(s):
- ☐ Conditional Use - Case Number(s):
- ☐ Zoning variance - Case Number(s):
- ☐ Land Use Enforcement Action for
- ☐ Building or Land Use Permit for
- ☐ Wetland permit: ☐ Army Corps of Engineers ☐ Municipality of Anchorage

**APPLICATION REQUIREMENTS**

(One of each applicable item is required for initial submittal, additional copies are required after initial submittal)

1 copy required: ☒ Signed application (original)

- 16 copies required:
- ☒ Signed application (copies)
  - ☒ Variance narrative, addressing:
    - ☒ The need for the variance, including when the need for the variance was discovered
    - ☒ The effect of granting the variance
    - ☒ An analysis of how the proposal meets the variance standards below
  - ☒ As-built survey showing existing conditions, to scale (no more than 2 years old)
  - ☒ Proposed plot plan or site plan, to scale (new construction)
  - ☒ Topographic map of site
  - ☒ Photographs

(Additional information may be required.)

**VARIANCE STANDARDS**

The Zoning Board of Examiners and Appeals may only grant a variance if the Board finds that **all** of the following 8 standards are substantially met. Each standard must have a response in as much detail as it takes to explain how your property's condition satisfies the standard. The burden of proof rests with you.

- a. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district;
- b. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;
- c. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience;
- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;
- f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;
- g. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
- h. The variance granted is the minimum variance that will make possible a reasonable use of the land.

## Variance Narrative

241 Higher Terrace, Girdwood, AK

Variance from AMC ~~06.030.C.1.b~~ and AMC ~~07.020.9.b.ii~~

*B. 07.020.B.9.b.ii  
09.060 TABLE 21.09-5 P.11.8/20/24*

The owners of 241 Higher Terrace in Girdwood are seeking 2 variances so that they can rehabilitate their existing cabin that falls in the 25-foot drainage setback and the 20-foot front building setback (Cabin 1). There is an existing secondary cabin on the property which does not violate those existing setbacks (Cabin 2). The MOA Verification of Non-conforming Status is attached to show the history of the property. Cabin 1 was built in 1989; Cabin 2 built in 1978.

The current Owners bought the property in 2011 with the intent on rehabilitation Cabin 1 in the future for their personal use once they could afford the repairs. It was not until last year, when the owners consulted with a local builder to perform the construction, that they were informed of the possible non-conformance with existing setbacks.

The owners rent out Cabin 2 to a long-term Girdwood tenant. They have done this since purchasing the property and have no intention in changing that. The owners seek to keep Cabin 2 as long-term workforce housing to help alleviate the need for affordable housing in Girdwood. Cabin 1 needs structural and health/safety repairs for the owners to use. As you can see from the submitted plans, the owners are seeking to keep the same building foot print for Cabin 1 but add another level above so that handicap access can be achieved. One of the owners has the medical condition choroideremia, which is degenerative and has no cure. He has been legally blind for 35 years and will need special access accommodations. If the variances are not approved, the owners will have to consider not renewing the lease to the Girdwood worker in Cabin 2 so that they can reasonably enjoy their property. We will be applying for right of way encroachment permits for the wooden walk ways that are necessary due to the steep drop off from the edge of the road.

The effect of granting the 2 variances will be maintain affordable workforce housing in Girdwood; Give the owners reasonable enjoyment of their property; provide handicap accessibility to a cabin; All while not changing the footprint of the existing structures.

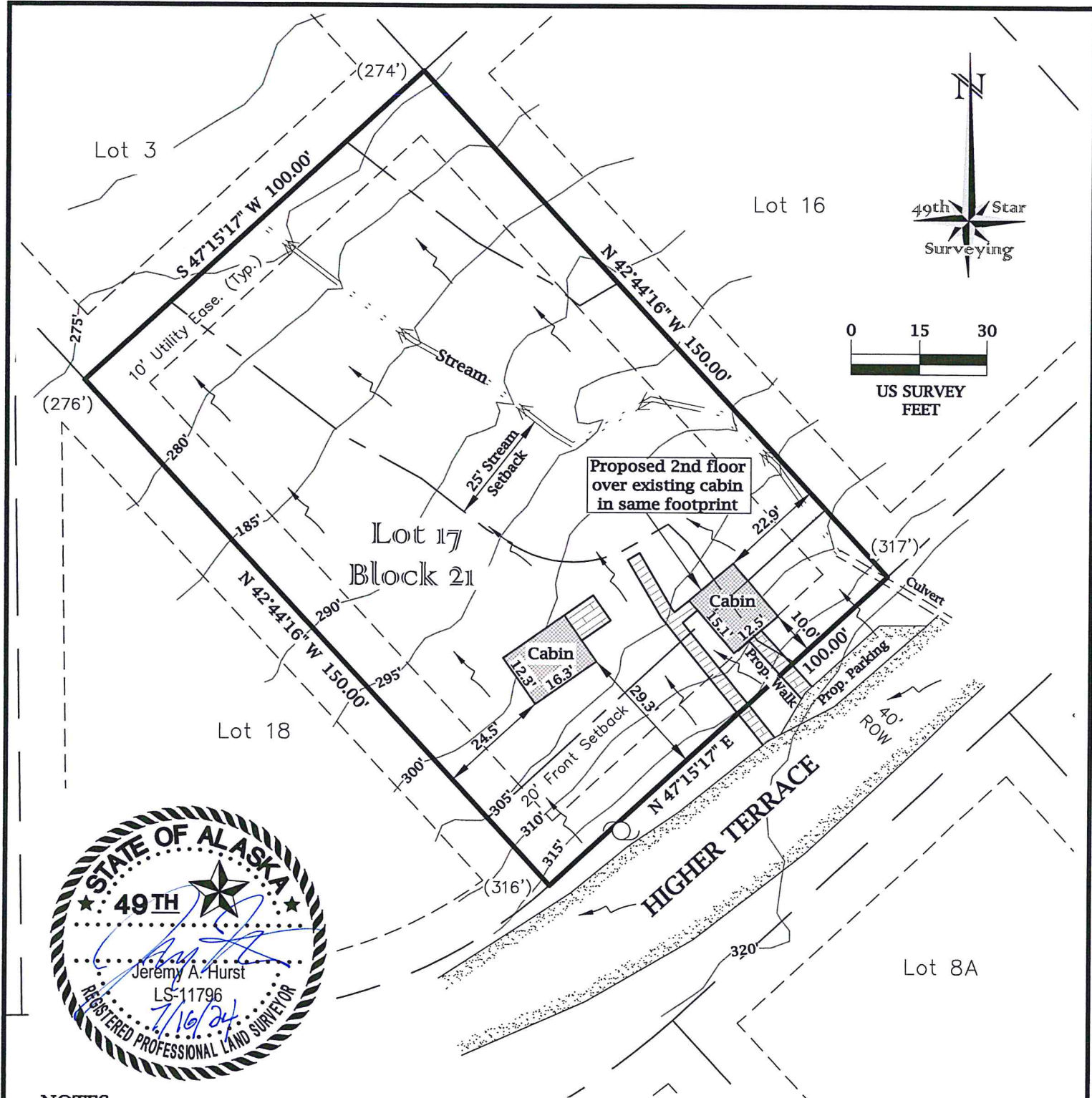
The below description will highlight the need for these variances and how that would meet the variance standards set out by the Municipality.

- A) There are exceptional physical constraints on the land that require the need for the variances. There is an MOA mapped drainage that flows out of a culvert at the east corner of the property and flows north-northwesterly. Cabin 1 is 19.0 feet from the Ordinary High Water (OHW) line of the drainage. That is why the variance for the 25-foot Drainage Setback is needed. The lot is very steep at just under 30% grade from the edge of the existing road down to past both cabins. In fact, it is so steep that driveway construction is not possible. This is why Cabin 1 is only 10 feet from the front property line, it could not reasonably have been constructed further from the road. That is why a variance is needed from the 20-foot front building setback. That is also why we will be applying for right of way encroachment permits for the wooden walkway. There are also large old-growth Sitka Spruce trees that are on the property that would be in the way of any cabin re-location (the existing grades also make this impractical). It is not wise to remove any of



the old-growth trees because they are stabilizing the steep slope. Any removal of large trees could jeopardize that stability.

- B) Because of the 2 physical constraints on the land mentioned above, it is not possible to relocate Cabin 1. Since Cabin 1 is in a condition that renders it unusable, the owners are unable to commonly enjoy their property like the owners of surrounding properties. In addition, the drainage that has the setback crosses back over the property, rendering the lower of the property unbuildable without a variance.
- C) This hardship is not self-imposed by the current property owners. Both cabins were constructed prior to them owning the property. The current conditions do not allow for the moving of Cabin 1 out of the drainage and front building setback without significant hardship and steep slope destabilization.
- D) If both variances are approved, it will not adversely affect the use of adjoining property owners. The steepness of the slope and the cover of the large trees conceals both structures and would not adversely affect any view corridors of neighbors.
- E) If both variances are approved it will not change the character of the neighborhood. Of the eleven houses on Higher Terrace, at or further up the road, most, if not all of them appear to be violating the 20-foot front building setback (226, 246, 285, 297, 314, 315, 325, 144, and 352 Higher Terrace). This is due to the steepness of the area. Of those eleven existing houses, three of them appear to be in the 25-foot mapped drainage setback (284, 325, and 144 Higher Terrace). If the variances are granted no other use that is otherwise not permitted in this zone would occur.
- F) If the variances are granted the health, safety, and welfare of the people of the Municipality will not be adversely affected. A variance to the front building setback has no chance of adversely affecting the people. The stream setback variance would not adversely affect the people because the footprint of the cabin is not changing.
- G) One of the main purposes seeking the variances is to gain handicap accessibility to the rehabilitated Cabin 1 allowing for continued future use of one of the owners, whose sight continues to degenerate. The newly rehabbed cabin will provide better accommodation to access for this visually impaired property owner, who participates in Challenge Alaska, the state's largest adaptive ski program in Girdwood.
- H) Without both variances Cabin 1 will not be usable and will not give the owners reasonable use of the land and will end another historical long-term rental from the Girdwood workforce housing pool.



### NOTES

- All dimensions shown are grid bearings and ground distances, record boundaries and easements are per Plat No. 66-167.
- 49th Star has conducted a physical survey of the property and all details shown on this Asbuilt Survey are correct. Under no circumstances should any data hereon be used for construction or the establishment of property lines.
- It is the owners responsibility to determine the existence of any easements, covenants, or restrictions; no title research performed.
- All disturbed areas not covered with authorized installations are required to be revegetated.
- Bear resistant refuse containers to be stored inside of a structure until day of pick-up.

### AS BUILT/PLOT PLAN SURVEY

Lot 17, Block 21,  
Alyeska Subdivision,  
Add. 3, Girdwood, AK

### LEGEND

- (161') Spot Elev.
- Power Pole
- OHW Stream
- Drainage Direction

### 49th Star Surveying LLC

PO Box 738  
Girdwood, AK 99587  
(907)891-6111  
Jeremy@49thStarSurveying.com

W.O. 2401

DATE: 1/16/24

SCALE: 1"=30'





Stream















Property Information

Search by Parcel Number



MDGIS Maps and Data Property Appraisal Department Search By Form Property Report State of Alaska Record Search



49° 13' 20.00" N 149° 51' 00.00" W



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